IN THE HIGH COURT OF PUNJAB & HARYANA CHANDIGARH

Criminal Revision No.674 OF 1993
Date of Decision: JULY 23, 2007

BAKHTAWAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE A.N.JINDAL

Present: Mr.K.S.Pawar, Advocate
Mr. S.S.Pattar, Sr.DAG, Haryana.

A.N.JINDAL, J

The accused petitioner Bakhtawar (hereinafter referred to as 'petitioner') assailed the judgment dated 20.09.1993 passed by Session Judge, Gurgaon dismissing the appeal of the petitioner against judgment dated 12.01.1991 convicting the petitioner under Section 304-A of the IPC and sentencing him for one year.

The conviction of the petitioner has not been assailed by the counsel for the petitioner in any manner. Even otherwise, it is duly established from the testimony of Sohan Lal(PW4) and Surjan(PW5) that the occurrence took place due to the rash and negligent driving of Haryana Roadways Bus No. HYM-1027 by the petitioner. The testimonies of the eye witnesses stand corroborated by the

medical evidence as well as the investigating officer.

Now coming to the quantum of sentence, admittedly the petitioner is a first offender; he was 42 years of age at the time of occurrence and now he stands retired from his service and is 64 years of age. It has come in evidence that the witnesses have received the compensation on account of the death of their father. The petitioner has a big family to support, therefore, there is no reason to deny him benefit of probation.

Consequently, while dismissing the revision, sentence passed against the petitioner is modified to the extent that the petitioner is released on probation under Section4(1) of the Probation of Offenders Act, 1956 on his executing a bond in the sum of Rs.5000/- with one surety in the like amount to the satisfaction of the trial Court for a period of one year within which period he shall continue to be of good behaviour and keep peace and in case of breach of conditions of the bond he will be ready to serve sentence as and when called for.

(A.N.JINDAL)
JUDGE

July 23,2007
Ruchika

To be referred to reporter: Yes/No